

REMARKS

In the subject office action, the Examiner rejected claims 60-66 and 68-79 under 35 USC 102, as being fully anticipated by Wycherley et al (US 2002/0030103). Claim 67 was rejected under 35 USC 103 as being obvious in view of Wycherley.

In response, Applicants have cancelled claims 60-79 and present new claims 80-100 for examination. Additionally, Applicants have taken this opportunity to amend the specification to correct the misstated filing date of the parent provisional application.

Each of new independent claims 80, 86 and 94 includes limitations that particularize the invention being claimed to include only embodiments where the cover merely partially covers a portion of the front surface of the "adorning" apparatus (such as a mobile phone) not occupied by the display and keys of the apparatus.

The limitations are fully supported by the original disclosure. See e.g. the last paragraph of page 10 of the specification, wherein it is disclosed "... the interchangeable covering 220 may be of any shape and size to cover all or portions of the exposed mobile phone 200 ...". Accordingly, no new matters have been introduced.

Wycherley's teachings, on the other hand, are limited to a cover that fully cover the entire portion of the front surface of a mobile phone, not occupied by the display and keys of the apparatus. See Figs 1 and 2 of Wycherley.

Accordingly, Wycherley fails to anticipate the invention being claimed by each of independent claims 80, 86 and 94.

Further, there is no teaching in Wycherley that suggests or motivates one skilled in the art to modify the cover to assume other form factors, in particular, the claimed form factor where the cover merely partially covers a portion of the front surface not occupied by the display and keys of the mobile phone.

Therefore, claims 80, 86 and 94 are not obvious, and patentable over Wycherley under 35 USC 103.

Claims 81-85, 87-93 and 95-100 are dependent on claims 80, 86 and 94 respectively, incorporating their limitations. Therefore, by virtue of at least the dependency, claims 81-85, 87-93 and 95-100 are also patentable over the cited references.

Additionally, Applicants response shall not be construed as Applicants agreement that Wycherley is eligible prior art. Applicants hereby explicitly reserve the right to raise the issue whether Wycherley is eligible prior art.

In view of the foregoing, allowance of claims 80-100, and early issuance of Notice of Allowance are respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Applicants

Dated: June 18, 2003

By: 
Aloysius AuYeung, Reg# 35,432
Schwabe, Williamson & Wyatt, P.C.
Attorney for Applicants

PacWest Center
1211 SW Fifth Ave., Ste 1600-1900
Portland, Oregon 97204
Phone: (503) 222-9981
FAX: (503) 796-2900